United Nations S/2009/530

Security Council

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**Argentina, Austria, Brazil, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, France, Guatemala, Japan, Mexico, Peru, Spain, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Viet Nam: draft resolution**

*The Security Council,*

*Reaffirming* its previous resolutions on Haiti, in particular its resolutions 1840 (2008) 1780 (2007), 1743 (2007), 1702 (2006), 1658 (2006), 1608 (2005), 1576 (2004) and 1542 (2004),

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti, welcoming the progress achieved so far in critical areas for the consolidation of Haiti's stability, reaffirming its support to the Government of Haiti and welcoming its contribution to political stability and consolidation of democracy in Haiti,

*Welcoming* recent progress made towards enhanced governance, including through the elections of new Senators with the support of United Nations Stabilization Mission in Haiti (MINUSTAH) and other stakeholders and towards the adoption of the Constitutional reform, and stressing the importance of establishing credible, competent, transparent and accountable governance and encouraging the Government of Haiti to further strengthen state institutions, and emphasizing the need to continue international efforts to reinforce the capacities of the Government of Haiti and its State institutions,

*Encouraging* the Government of Haiti and all the other relevant Haitian actors to strengthen democratic dialogue and forge the widest and most inclusive possible consensus, recognizing that leadership and constant political will of the Government of Haiti among the relevant Haitian actors is needed to strengthen governance and national capacities to address the highest priority issues in its national agenda,

*Emphasizing* the need for increased efforts to support the participation of women in the political process,

*Emphasizing* the role of regional organizations in the ongoing process of stabilization and reconstruction of Haiti and calling on MINUSTAH to continue to work closely with the Organization of the American States (OAS) and the Caribbean Community (CARICOM), taking note of the Joint Communiqué of the Consultative Group 2x9 on Haiti of 28 September 2009 (S/2009/509),



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*Recognizing* the inter-connected nature of the challenges in Haiti, reaffirming that sustainable progress on security, the rule of law and institutional reform, national reconciliation and development are mutually reinforcing, and welcoming the continuing efforts of the Government of Haiti and the international community to address these challenges,

*Reiterating* the need for security to be accompanied by social and economic development as a way for Haiti to achieve lasting stability (S/PRST/2009/4),

*Recognizing* that respect for human rights, due process, addressing the issue of criminality and putting an end to impunity are essential to ensuring the rule of law and security in Haiti,

*Commending* MINUSTAH for continuing to assist the Government of Haiti to ensure a secure and stable environment and expressing gratitude to the personnel of MINUSTAH and to their countries and paying tribute to those injured or killed in the line of duty,

*Acknowledging* some improvements in the last year in the security situation but noting that the security situation remains fragile,

*Acknowledging* the continued support of the Organization of American States to modernize the Haitian voter registry and calling on the Haitian authorities, with the continued support of MINUSTAH and the international community to establish permanent and effective electoral institutions, and to hold elections consistent with Haiti's constitutional and legal requirements,

*Calling on* the Government of Haiti, in coordination with the international community, to continue to advance security sector reform, in particular as called for in the Haitian National Police (HNP) Reform Plan adopted by the Government of Haiti,

*Underlining* the need to accelerate the steps taken towards strengthening the judicial system in accordance with the national justice reform plan, including judicial institution modernization and improvement in the access to justice,

*Supporting* the initial recommendations of the Consultative Commission on Prolonged Pretrial Detention and stressing the need to address the situation of the majority of Haitian prisoners,

*Recognizing* the devastation that has been suffered by the people of Haiti during the previous hurricane seasons, acknowledging the challenges faced by the Government of Haiti in responding to the humanitarian and other needs of its people and welcoming the efforts undertaken by the Haitian authorities and the contribution of the international community in this regard and stressing the importance for future actions in this regard to be fully coordinated among donors and partners of Haiti, with the Government of Haiti as well as within the United Nations system,

*Recognizing* that external economic impacts such as the food, fuel, financial and economic crises continue to pose a significant threat to the overall process of stabilization in Haiti,

*Welcoming* the appointment of the former President of the United States of America, William J. Clinton as United Nations Special Envoy for Haiti,

*Underlining* the need for the quick implementation of highly effective and visible labour intensive projects that help create jobs and deliver basic social services that contribute to increased support of MINUSTAH by the Haitian population,

*Recognizing* the importance of long-term commitment of international donors and partners of Haiti, encouraging them to continue strengthening their assistance in a coordinated way, aligned to Haitian national priorities,

*Underlining* the need for the Government and Parliament to work together in devising a legislative and regulatory environment to generate economic activity and job creation with a view to promoting growth and reducing poverty,

*Welcoming* the Secretary-General's report S/2009/439 of 1 September 2009,

*Taking note* of the Report of the ECOSOC Ad Hoc Advisory Group on Haiti (E/2009/105),

*Welcoming* the efforts of the Secretary-General to keep peacekeeping operations, including MINUSTAH, under review and stressing the need for the Council to pursue a strategic approach to peacekeeping deployments in partnership with troop and police contributing countries and other relevant stakeholders consistent with the statement of its President dated 5 August 2009 on United Nations peacekeeping operations (S/PRST/2009/24),

*Recalling* the statements of its President on 22 July 2009 (PRST/2009/23) and 5 August 2009 (PRST/2009/24) which emphasized the need for coherence between, and integration of, peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situations, and stressing the need for the Secretary-General to provide in his reports an indication of progress toward achieving a coordinated United Nations approach in Haiti and in particular on critical gaps to achieving peacebu[illegible]ng objectives,

*Determining* that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far,

*Acting under* Chapter VII of the Charter of the United Nations, as described in section 1 of operative paragraph 7 of resolution 1542 (2004),

1. *Decides* to extend the mandate of MINUSTAH as contained in its resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007) and 1840 (2008) until 15 October 2010, with the intention of further renewal;

2. *Endorses* the recommendation made by the Secretary-General in paragraphs 26 and 27 of his report S/2009/439 to maintain the current Mission overall force levels until the planned substantial increase of the Haitian National Police capacity allows for a reassessment of the situation, while adjusting its force configuration to better meet current requirements on the ground;

3. *Decides*, therefore, that MINUSTAH will consist of a military component of up to 6940 troops of all ranks and of a police component of up to 2,211 police;

4. *Recognizes* the ownership and primary responsibility of the Government and the people of Haiti over all aspects of the country's stabilization, recognizes the role of MINUSTAH in supporting the Government's efforts in this regard, and encourages the Government of Haiti to continue to take full advantage of

international support to enhance its capacity, with a view to the eventual resumption of full responsibility;

5. *Stresses* the need for coordination among all international actors on the ground;

6. *Expresses* its full support for the Special Representative of the Secretary-General, notably in his efforts related to improving stability and governance in close cooperation with the Government of Haiti, and reaffirms his authority in the coordination and conduct of all activities of United Nations agencies, funds, and programs in Haiti;

7. *Expresses* its full support to the United Nations Special Envoy for Haiti, former President of the United States of America, William J. Clinton, notably in his efforts to assist the Government and people of Haiti in creating new jobs, improving the delivery of basic services and infrastructure, strengthening disaster recovery and preparedness, attracting private sector investment and garnering greater international support;

8. *Reaffirms* its call upon MINUSTAH to support the political process under way in Haiti, including through the good offices of the Special Representative of the Secretary-General, and, in cooperation with the Government of Haiti, to promote an all-inclusive political dialogue and national reconciliation, and to provide logistical and security assistance for the upcoming elections in 2010 in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid out in the National Strategy for Growth and Poverty Reduction Paper (DSNCRP);

9. *Welcomes* the continuing contribution of MINUSTAH to the Government of Haiti's efforts to build institutional capacity at all levels and calls upon MINUSTAH, consistent with its mandate, to continue such support to strengthen self-sustaining state institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions;

10. *Requests* that MINUSTAH continue its support of the HNP as deemed necessary to ensure security in Haiti, and encourages MINUSTAH and the Government of Haiti to continue to undertake coordinated deterrent actions to further decrease the level of crime and violence, including through improved and enhanced implantation of the HNP Reform Plan and requests MINUSTAH, consistent with its mandate, to remain engaged in assisting the Government of Haiti to reform and restructure the HNP notably by supporting the monitoring, mentoring, training and vetting of police personnel and strengthening of institutional and operational capacities, consistent with its overall strategy to progressively transfer geographic and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the HNP Reform Plan;

11. *Invites* Member States, including neighbouring and regional States, in coordination with MINUSTAH, to strengthen their engagement with the Government of Haiti to address cross-border illicit trafficking of persons, in particular children, and the trafficking of drugs, arms and other illegal activities, and to contribute to strengthening HNP capacity in these areas, including through the provision by MINUSTAH of technical expertise in support of efforts to implement an integrated border management approach, with emphasis on state capacity-

building, and underlines the need for coordinated international support for Government efforts in this area;

12. *Recognizes* the need for MINUSTAH to continue its efforts to patrol along maritime and land border areas in support of border security activities by the HNP, and encourages MINUSTAH to continue discussions with the Government of Haiti and Member States to assess the threats along Haiti's land and maritime borders;

13. *Requests* the United Nations country team, and calls upon all actors, to complement security and development operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the concerned populations, protecting the rights of children and requests MINUSTAH to continue to implement quick-impact projects;

14. *Condemns* any attack against personnel or facilities from MINUSTAH and demands that no acts of intimidation or violence be directed against the United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work;

15. *Welcomes* the steps taken towards the reform of rule of law institutions, requests MINUSTAH to continue to provide necessary support in this regard, and encourages the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, to take the necessary steps, including nominations, that will allow superior judicial institutions to function adequately, and the need to address the issue of prolonged pretrial detentions and prison overcrowding, with special regard to children;

16. *Encourages* also the implementation of the strategic plan of the National Prison Administration and requests MINUSTAH to remain engaged in supporting the mentoring and training of corrections personnel and strengthening of institutional and operational capacities;

17. *Requests* MINUSTAH to continue to pursue its community violence reduction approach including through support to the National Commission on Disarmament, Dismantlement and Reintegration and concentrating its efforts on labour-intensive projects, the development of a weapons registry, the revision of current laws on importation and possession of arms, reform of the weapons permit system and the development and implementation of a national community policing doctrine;

18. *Reaffirms* MINUSTAH's human rights mandate and calls on the Haitian authorities to continue their efforts to promote and protect human rights, and calls on MINUSTAH to continue to provide human rights training to the HNP and other relevant institutions, including the correctional services;

19. *Strongly* condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of women and girls, and requests MINUSTAH and the United Nations country team in close cooperation with the Government, to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009), and 1889 (2009);

20. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance of all MINUSTAH personnel with the United

Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and urges troop and police contributing countries to ensure that acts involving their personnel are properly investigated and punished;

21. *Calls upon* MINUSTAH and the United Nations country team to further enhance their coordination and, in concert with the Government of Haiti and international partners, help ensure greater efficiency in the implementation of the DSNCRP in order to achieve progress in the area of socio-economic development, which was recognized essential for the stability in Haiti in the Consolidation Plan of the Secretary-General, and address urgent development problems;

22. *Welcomes* the important work done by MINUSTAH in support of urgent needs in Haiti and encourages the Mission within its mandate to make full use of existing means and capabilities, including its engineers, with a view to further enhancing stability in the country;

23. *Welcomes* progress made by MINUSTAH in communications and public outreach strategy, and requests it to continue these activities;

24. *Welcomes* the work done by the Secretary-General to develop five benchmarks and indicators to measure progress being made towards the consolidation of stability in Haiti and requests the Secretary-General to continue updating the Consolidation Plan including through the refining those benchmarks and indicators of progress in consultation with the Government of Haiti, taking into account the DSNCRP, as appropriate, and to inform the Council accordingly in his reports;

25. *Requests* the Secretary-General to report to the Council on the implementation of MINUSTAH's mandate semi-annually and not later than 45 days prior to its expiration;

26. *Requests* also the Secretary-General to include in his reports a comprehensive assessment of threats to security in Haiti, such as judiciary sector reform, correctional system reform and counter-narcotics capacity, taking into account a review of the activities and composition of MINUSTAH, its coordination with the United Nations country team and other development actors and the need for poverty eradication and sustainable development in Haiti, and to propose, as appropriate, options to reconfigure the composition of MINUSTAH;

27. *Underscores* the importance that the planning documents for the military and police components, such as the concept of operations and rules of engagement, be regularly updated, as appropriate, and be in line with the provisions of all its relevant resolutions, and requests the Secretary-General to report on them to the Security Council and troop and police contributing countries;

28. *Decides* to remain seized of the matter.

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**Letter dated 12 October 2009 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council**

I have the honour to request that, in accordance with its previous practice, the Security Council invite Palestine, which will be represented by Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, to participate in the meeting of the Council that will be held on Wednesday, 14 October 2009, regarding the situation in the Middle East, including the Palestinian question.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

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# Letter dated 13 October 2009 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council

I write to you regarding another serious violation of Security Council resolution 1701 (2006). According to numerous reports, on 12 October 2009 at 20.30, an explosion took place in a civilian structure in the Lebanese village of Tayr Filsi, south of the Litani River. The house in question belonged to Hizbullah operative Abdel Nasser Issa and served as an arms storage facility of Hizbullah.

In the aftermath of the explosion, Hizbullah operatives sealed off the area and, as shown in available video footage attached to the electronic version of the present letter, used two trucks to remove evidence from the scene to the nearby village of Deir Qanoun. The removal of such evidence is markedly similar to the removal of arms by Hizbullah in the aftermath of the 16 July explosion in the village of Khirbat Silim, as mentioned in the investigation reports on the matter delivered to the relevant parties and the reports of the Department of Peacekeeping Operations of the United Nations Secretariat to the Security Council.

Occurring only three months after the explosion of the Hizbullah arms depot in the village of Khirbat Silim, yesterday's explosion is another example of the fact that the Hizbullah terrorist organization possesses illegal weapons in Lebanon south of the Litani River, in violation of resolution 1701 (2006), as it builds a military infrastructure within the civilian population.

The aforementioned incidents leave no doubt regarding Hizbullah's modus operandi of placing its military weapons and facilities in civilian villages and houses. Such use of civilians as human shields endangers their safety and Israel calls upon the Government of Lebanon to take decisive measures in order to stop the rearmament of Hizbullah south of the Litani River. The current efforts by certain members of the Lebanese Armed Forces to turn a blind eye to Hizbullah's activities promote neither peace nor stability in Lebanon, Israel or the region. Israel holds the Government of Lebanon responsible for all activity that takes place within its territory, including that of Hizbullah south of the Litani River.

Israel requested that the United Nations Interim Force in Lebanon immediately commence an investigation into the Tayr Filsi incident and provide the relevant parties with its conclusions. Israel has considerable reason to believe that Hizbullah, as well as elements of the Lebanese Armed Forces, sought to stall the immediate investigation of the Tayr Filsi explosion in an effort to permit Hizbullah to remove evidence.



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It is two weeks before the issuance of the Secretary-General's report on resolution 1701 (2006), and Israel trusts that the report will give the appropriate attention to these incidents and the situation south of the Litani River. More broadly, this report should also address key issues related to the implementation of resolution 1701 (2006), including the rearmament of Hizbullah and the unimplemented arms embargo.

I should be grateful if this information would be considered in preparation of the forthcoming report of the Secretary-General on the implementation of resolution 1701 (2006).

I should be grateful as well if you could have this letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative